


# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 11592 WO TJH/EAD		<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/GB2005/000107		International filing date (day/month/year) 13.01.2005	Priority date (day/month/year) 13.01.2004	
International Patent Classification (IPC) or national classification and IPC B29D11/00, G02B1/04				
Applicant POLYMER SCIENCES LIMITED				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> <i>sent to the applicant and to the International Bureau</i> a total of 9 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input checked="" type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand  14.11.2005		Date of completion of this report  10.02.2006		
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer  Roberts, P  Telephone No. +31 70 340-2305		



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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-13 as originally filed

**Claims, Numbers**

44 as originally filed

1-43 received on 14.11.2005 with letter of 14.11.2005

**Drawings, Sheets**

1/1 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

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1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☐ the entire international application,
  - ☒ claims Nos. 34,35,41,42
- because:
- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
  - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
  - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
  - ☒ no international search report has been established for the said claims Nos. 34,35,41,42
  - ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
    - the written form ☐ has not been furnished
    - ☐ does not comply with the standard
    - the computer readable form ☐ has not been furnished
    - ☐ does not comply with the standard
  - ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
  - ☐ See separate sheet for further details

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**Box No. IV Lack of unity of invention**

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1. ☒ In response to the invitation to restrict or pay additional fees, the applicant has:
- ☒ restricted the claims.
  - ☐ paid additional fees.
  - ☐ paid additional fees under protest.
  - ☐ neither restricted nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
  - ☒ not complied with for the following reasons:  
**see separate sheet**
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
  - ☒ the parts relating to claims Nos. 1-33,36-40,43 .

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-26,39,40
	No: Claims	27-33,36-38,43
Inventive step (IS)	Yes: Claims	1-26,39,40
	No: Claims	27-33,36-38,43
Industrial applicability (IA)	Yes: Claims	1-33,26-40,43
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**Re Item IV**

The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

The special technical features are the features not disclosed in claims 1 and 39 which clearly function differently and solve different problems ( see Item V below):

In conclusion, the groups of claims are not linked by common or corresponding special technical features and define 2 different inventions not linked by a single general inventive concept.

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

Reference is made to the following document/s/:

D1: GB-A-2 119 957 ( AGRIPAT AG) 23 November 1983 (1983-11-23)

D2: EP-A-0 131 227 (BAYER AG) 16 January 1985 (1985-01-16)

D3: US-A-4 786 446 (HAMMAR ET AL) 22 November 1988 (1988-11-22)

**1.1**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 27,28,43 are not new in the sense of Article 33(2) PCT.

**1.2**

Concerning claim 28.

The document D2 discloses (the references in parentheses [ ] applying to this document):

An apparatus for producing a plurality of soft contact lenses [ claim 1] comprising:  
a forming means for applying a controlled physical force to a sheet of material in order to

form a plurality of shaped lens blanks [ page 6 lines 1-3 disclose forming devices-  
Formwerkzeuge- which comprise convex and concave coining dies-Prägestempeln- which  
are used to make blanks for forming contact lenses];  
sheet material transport means for transporting a sheet of material [ claim 1 and page 4  
claim 13 both disclose sheets-Folienbändchen- and hence a means to transport sheets is  
directly implied] .

Further concerning claim 28 the forming means has no structural features and defines the  
device in terms of its use i.e forming a plurality of lens blanks. An apparatus device for  
forming one blank can also make a plurality of devices by simply repeated use of the same  
apparatus. Hence, as D1,D2,D3 all disclose punching at least one lens blank from a sheet  
then the apparatus of claim 28 s disclosed.

### 1.3

Concerning claims 27 and 43.

These claims attempt define a product, a soft contact lens, in terms of its method of  
manufacture or the apparatus for its manufacture neither of which is allowable under the  
EPC. These are claims to a soft contact lens per se which is clearly known.

### 2.1

The present application does not meet the criteria of Article 33(1) PCT, because the  
subject-matter of claims 27,28,43 does not involve an inventive step in the sense of Article  
33(3) PCT as they are not novel.

### 3.1

Dependent claims 29-33 and 36-38 do not contain any features which, in combination with  
the features of any claim to which they refer, meet the requirements of the PCT in respect  
of novelty and/or inventive step; particularly D2 discloses the feature "forms or platens" of  
claim 32 -"Formwerkzeuge" ( see 1.2 above).

4.1

Concerning claim 1.

D2 does not disclose: in which at least immediately subsequently to said physical forming step B, said plurality of shaped lens blanks remain at least partially attached to the sheet of material.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by claim 1 may be regarded as to provide a method which enables easier transport of the shaped lens blanks.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT); the formation of a sheet to which the blanks remain attached clearly aides transportation and this is neither hinted nor suggested in the prior art.

Claims 2-26 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Also claims 39,40 which are dependent on claim 38 which is not new ( see 3.1) above are not disclosed in D1,D2 or D3 and are new (Article 33(2) PCT).

The problem to be solved by claim 39 maybe regarded as being to provide a method of emoving blanks from the heet which is an alternative to the prior art.

The solution to this problem proposed in claim 39 of the present application is considered as involving an inventive step (Article 33(3) PCT) as laser cutting clearly cuts the sheet and is not hinted nor suggested in the prior art. ( see also reasoned statement of non-unity in the international search phase).